



U.S. Department of Justice

Tax Division

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Please reply to: Civil Trial Section, Northern Region
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DAH:DPM:AADemello
DJ 5-36-11313
CMN 2015101872

June 8, 2017

Sent By Fedex

Monica Toth
76 Hallet Hill Road
Weston, Massachusetts 02493

Re: *United States v. Monica Toth,*
Case No. 1:15-cv-13367, (D. Mass.)

Ms. Toth:

I write with regard to the above-referenced matter. The time-period for you to file an answer to the United States' complaint has passed. If you do not have an answer filed and uploaded onto the docket before 4pm on June 15, 2017, I plan to move for the entry of your default. Please be advised that if you choose to file a motion for an extension, the court's rules require you to note in such a motion that the counsel for the United States conferred with you by letter and objects to any extension beyond June 15, 2017 at 4pm.

I have also received your emails that begin "I got your attached document printed out..." and "Given what I thought about the section...". These emails are not sufficient to allow me to prepare the parties' joint case management order. As I explained previously by letter, you are obligated to provide a position (or state that you do not have a position) regarding each of the entries on the proposed case management plan. You refused to provide your position by phone and requested that we prepare the case management plan by exchanging written documents. I typed all the formatting and provided it to you so that you could write, type, or otherwise add your respective positions to that document. I renew my request that you do so.

I am attaching another copy of the case management order. There are blank spaces which I have marked for your portions. Please add the text you wish to include in the proposed case management order directly on this document. This is also necessary because the limited

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information you have provided still does not clearly reflect what you wish to have included in each section. For example, your first email beginning “I got your attached document printed out...” it is not clear what you wish to have included in the “jurisdictional questions” section of the proposed case management order.

You ask in your email “Exactly what are initial disclosures?” This is a request for legal advice that I cannot answer. However, I refer you to the federal rules and other authorities, copies of which may be found in the law library located in the courthouse. Additionally, some authorities may be located on the Court’s website, <http://www.mad.uscourts.gov/>.

With respect to the other email regarding the requests for admission, please state the number of requests for admission you plan to serve in the appropriate location on the proposed case management plan. Requesting that the government admit facts, at this time and in the manner presented, is plainly inappropriate.

I note that I began trying to confer with you about the case management order at least 30 days ago. As of now, I have received your response to barely three of the more than two dozen topics at issue. Further, the three positions you have provided are not in final form and are not yet included in the draft case management plan. This pace is not acceptable. Please provide your position as to the remaining matters in the attached case management order so that I receive it by June 15.

Sincerely yours,

/s/Andrew A. De Mello

ANDREW A. DE MELLO
Trial Attorney
Civil Trial Section, Northern Region